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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 5390 of 2007

PETITIONERS

1. Bhupendra Singh Thakur S/o Shri Bhushan Singh Thakur, Age about 44 years, Asstt. Teacher, Govt. Primary School, Baruka, Block – Gariyaband, Distt. - Raipur (C.G.)
2. Hemant Kumar Sahu S/o Shri Janak Ram Sahu, Aged about 35 years, Asstt. Teacher, Govt. Hr. Sec. School, Basin, Block – Fingeshwar, Distt. - Raipur (C.G.)
3. Akadashi Dewangan S/o Maya Ram Dewangan, Age about 50 years, Asstt. Teacher, Govt. Primary School, Kodobatar, Block – Gariyaband, Distt. - Raipur (C.G.)
4. Imal Singh Baghel S/o. Late Shri Panchainya Baghel, Age about 41 years, Asstt. Teacher, Balak Ashram, Kshamatapur (Chhinarin) Block – Makdi, Distt. - Bastar (C.G.)

Versus

RESPONDENTS

1. State Govt. of Chhattisgarh, Through: Secretary, School Education Department Ministry, D.K.S. Bhawan, Raipur (C.G.)
2. Assistant Commissioner, Tribal Welfare Department Bastar (C.G.)
3. District Education Officer Raipur (C.G.)
4. Block Education Officer Makdi/Fingeshwar/Gariyaband
5. Joint Director, Treasury, Account & Pension Raipur/Bastar (C.G.)

(Writ Petition under Article 226of the Constitution of India)

Appearance:

Shri Ajay Shrivastava, counsel for the petitioners.

Shri Ajay Dwivedi, Panel Lawyer for the State on advance copy.

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ORAL ORDER
(17.09.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

Learned counsel for the petitioners submits that the petitioners have passed D.Ed. examination on their own expenses, therefore, they are entitled to receive two advance increments according to circulars dated 24.12.1998 and 01.03.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of ***Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (2006 (II) MPJR-CG 96).*** He submits that the case of the petitioners is squarely covered by the said Judgment.

This legal position is not disputed by the learned counsel for the State. However, he submits that the order may be passed in terms of the said judgment, but it shall be subjected to verification regarding petitioners' such qualification.

Accordingly, this writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra)* subject to verification of the facts as to whether the petitioners had acquired D.Ed. Examination Certificates on their own expenses as per circulars dated 24.12.1998 and 01.03.1999 and further whether they have been paid two advance increments or not.

The petition stands finally disposed of. No order as to costs.

Sd/-
Sunil Kumar Sinha
Judge

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